

The listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently amended) A sample collection device for assay comprising:

a handle holding portion having a holding portion first end and a holding portion second end; a collector retaining portion having a retaining portion first end operably connected to a retaining portion second end, the collector retaining portion first end being detachably coupled to the handle holding portion second end and the collector retaining portion second end being movable relative to the handle holding portion second end, the collector retaining portion having at least an extended size and a contracted size, the sizes being defined by a configurable distance between the collector retaining portion second end and the handle holding portion second first end; and

an expandable sponge collector member disposed on the collector retaining portion and having a first collection size when the sponge collector member has a first amount of the sample and a second collection size when the sponge collector member has a second amount of the sample, the first collection size being less than the second collection size;

wherein a sufficient sample is collected for assay when the sponge collector member second collection size is substantially equal to the collector retaining portion extended size; [[and]]

wherein the collector retaining portion includes a base discharge member at the collector retaining portion second end spaced from the handle holding portion second end, the sponge collector member being disposed between the base discharge member and the handle holding portion second end, wherein when the collector retaining portion second end is moved relative to the handle holding portion second end to reconfigure the collector retaining portion from the extended size to the contracted size, a sample portion sufficient for assay is discharged from the sponge through the base discharge member; and

wherein the collector portion includes a blocking portion defining a sample retaining size of the collector portion and impeding movement of the collector portion to a size that is less than the sample retaining size, the sample retaining size being formed when the blocking portion engages with the handle portion second end, such that said blocking portion allows the discharge of a first portion of sample for assay from said sponge while retaining a second portion of sample in said sponge for subsequent assay.

2.-3. (Canceled)

4. (Currently amended) The sample collection device for assay of claim 1, wherein the sponge collector member is made from a fluid absorbing material and the sample is discharged from the sponge collector member by squeezing compressing the sponge collector member between the base discharge

~~member~~ and the handle holding portion second end.

5. (Canceled)

6. (Currently amended) The sample collection device for assay of claim 1 [[2]], wherein the collector retaining portion includes an elongate member, the blocking portion includes a raised portion formed on the elongate member, and the handle holding portion second end includes a wall sized to engage with the raised portion when the collector retaining portion is moved from one of the extended size and the contracted size to the sample retaining size.

7. (Currently amended) The sample collection device for assay of claim 1, wherein the handle holding portion includes a housing defining an opening for slidably receiving the collecting retaining portion so as to permit the collecting retaining portion to be selectively movable between at least one of an extended size and a contracted size.

8.-11. (Canceled)

12. (Currently amended) The sample collector device for assay of claim 1, wherein the sponge collector member has a first length when the sponge collector member has a first collection size, the sponge collector member has a second length when the sponge collector member has a second collection size, and the collector retaining portion describes an extended length when the collector retaining portion has [[a]] the extended size,

wherein a sufficient sample is collected for assay when the sponge second length is substantially equal to the collector portion extended length.

13. (Currently amended) The sample collector device for assay of claim 1, wherein the sponge collector member size is reduced from a second collection size to a first collection size when the collector retaining portion is configured from the extended size to the contracted size.

14. (Currently amended) A test device in combination with the sample collector device for assay of claim 1, the test device being adapted to connect with the sample collection device and including a tester to assay for analytes in the sample, the test device including

an opening sized to receive the handle holding portion,

a discharge surface adapted to engage with the collector retaining portion, wherein the sponge collector member second collection size is substantially equal to the collector retaining portion extended

size before engaging the collector retaining portion with the base discharge surface, and the sample collector is in fluid communication with the tester and the collector retaining portion is configured in the contracted size when the collector retaining portion is engaged with the base discharge surface.

15. (Currently amended) The test device in combination with the sample collector device for assay of claim 14, wherein the handle holding portion second end includes an engagement surface and the test device includes a mating surface adapted to engage with the engagement surface, wherein the handle holding portion is fixed to the test device when the engagement surface engages with the mating surface.

16. (Original) The test device in combination with the sample collector device for assay of claim 15, wherein the mating surface engages with the engagement surface by elastic deformation of at least one of the mating surface and the engagement surface.

17. (Currently amended) The test device in combination with the sample collector device for assay of claim 15, wherein the handle holding portion is fixed to the test device by a friction fit between the engagement and mating surfaces.

18. (Currently amended) The test device in combination with the sample collector device for assay of claim 15, wherein the sponge collector member second collection size is substantially equal to the collector retaining portion extended size when the mating surface engages with the engagement surface.

19. (Currently amended) The test device in combination with the sample collector device for assay of claim 15, wherein the handle holding portion includes a second engagement surface and the test device includes a second mating surface adapted to engage with the second engagement surface, wherein when the second engagement surface is in contact with the second mating surface, the discharge surface engages with the collector retaining portion.

20. (Currently amended) The test device in combination with the sample collector device for assay of claim 14, wherein the tester is a lateral flowstrip in fluid communication with the sponge collector member when the handle holding portion is fixed to the test device and the collector retaining portion is in the contracted size.

21. (Currently amended) The test device in combination with the sample collector device for assay of claim 14, wherein the test device further includes an ampoule containing fluid and the ampoule is violated when the sponge collector member is equal to the first collection size.

22. (Currently amended) The test device in combination with the sample collector device for assay of claim 14, wherein the handle holding portion first end comprises a grip handle and the first end is removable from the second end.

23. (Currently amended) The sample collection device for assay of claim 1, wherein the second amount of sample corresponds to an assay sample that is substantially contained in the sponge collector member, the assay sample being transferable from the sponge collector member to a test device for assay of the assay sample.

24. (Canceled)

25. (Currently amended) The test device in combination with the sample collector device for assay of claim 14, wherein the sponge collector member has the first collection size when the sample collector is in fluid communication with the tester.

26.-45. (Canceled)

46. (Currently amended) A sample collection device for assay comprising:  
a handle holding portion having a first end and a second end;  
a collector retaining portion having a retaining portion first end operably connected to a retaining portion second end, the collector retaining portion first end being coupled to the handle holding portion second end and the collector retaining portion second end being movable relative to the handle holding portion second end, the collector retaining portion having at least an extended size and a sample retaining size, the sample retaining size being smaller than the extended size, the sizes being defined by a configurable distance between the collector retaining portion second end and the handle holding portion second end;

a blocking portion disposed on the collector retaining portion, the blocking portion being spaced from the handle holding portion second end when the collector retaining portion is configured in the extended size and the blocking portion being engaged with the handle holding portion second end when the collector retaining portion is configured in the sample retaining size, and

a sponge an expandable collector member disposed on the collector retaining portion and having

a first collection size when the collector member has a first amount of sample and a second collection size when the collector member has a second amount of sample;

wherein the sponge collector member has the second collection size when the blocking member is spaced from the handle holding portion second end and the sponge collector member has the first collection size when the blocking member is engaged with the handle holding portion second end,

wherein the first amount of sample is sufficient for a first assay of sample and the second amount of sample is sufficient for a second assay of the sample.

47. (Currently amended) The sample collection device for assay of claim 46, wherein the blocking portion is formed on the collector retaining portion.

48. (Currently amended) The sample collection device for assay of claim 47, wherein the collector retaining portion includes a first part including the blocking portion and a second part that is smaller than the first part and wherein the second part is received within the handle holding portion when the collector retaining portion is configured from the extended size to the sample retaining size.

49. (Currently amended) The sample collection device for assay of claim 46, the collector retaining portion further comprising

a first elongate portion having a first length and a first width dimension wherein the first length substantially corresponds to the sample retaining size, and

a second elongate portion having a second width dimension,

wherein the handle holding portion second end defines an opening sized for slidably receiving the collector retaining portion, the opening defining a width dimension that is smaller than the first width and greater than the second width.

50. (Currently amended) The sample collection device for assay of claim 49, wherein the collector retaining portion is a cylinder and the first width corresponds to a first diameter of the cylinder and the second width corresponds to a second diameter of the cylinder.

51. (Currently amended) The sample collection device for assay of claim 46, wherein when the sponge collector member has a first collection size and the retaining portion is configured from the extended size to the sample retaining size, the collector member is configured from the second collection

size to the first collection size and a sample sufficient for the first assay is expressed from the collector member.

52. (Currently amended) The sample collector device for assay of claim 46, wherein the sponge ~~collector member~~ is made from a fluid absorbing material and the collector retaining portion expresses fluid sufficient for assay of sample from the sponge ~~collector member~~ when the collector retaining portion is configured from the extended size to the sample retaining size.

53.-72. (Canceled)

73. (Currently amended) A sample collection device for assay comprising:  
a handle holding portion having a first end and a second end;  
a collector retaining portion having a retaining portion first end operably connected to a retaining portion second end, the collector retaining portion first end being coupled to the handle holding portion second end and the collector retaining portion second end being movable relative to the handle holding portion second end, the collector retaining portion having at least an extended size and a contracted size, the sizes being defined by a configurable distance between the collector retaining portion second end and the handle holding portion second end; and

a sponge ~~an expandable collector member~~ disposed on the collector retaining portion and having a first collection size when the sponge ~~collector member~~ has a first amount of the sample and a second collection size when the sponge ~~collector member~~ has a second amount of the sample, the first collection size being less than the second collection size;

wherein a sufficient sample is collected for assay when the sponge ~~collector member~~ second collection size is substantially equal to the collector retaining portion extended size, and

wherein the collector retaining portion includes a base discharge member at the collector retaining portion second end spaced from the handle holding portion second end, the sponge ~~collector member~~ being disposed between the base discharge member and the handle holding portion second end, wherein when the base retaining portion second end is moved relative to the handle holding portion second end to reconfigure the collector retaining portion from the extended size to the contracted size, a portion of the sample in the collector retaining portion suitable for assay is discharged from the sponge ~~collector member~~.

74. (Previously presented) The sample collection device for assay of claim 75, wherein the second amount of sample includes a first assay sample and a second assay sample.

75. (Currently amended) The sample collection device for assay of claim 73, wherein the sponge collector member is made from a fluid absorbing material and the sample is discharged from the sponge collector member by squeezing the sponge collector member between the base discharge member and the handle holding portion second end.

76. (Currently amended) The sample collection device for assay of claim 74, wherein the sponge collector member contains a third amount of sample when the sponge collector member size is substantially equal to the sample retaining size, and wherein the second amount of sample is usable for a primary assay and the third amount of sample is usable for a secondary assay.

77. (Currently amended) A sample collection device for assay comprising:

a handle holding portion having a first end and a second end;

a collector retaining portion coupled to the handle holding portion second end and selectively configurable between at least an extended size and a contracted size; and

an expandable sponge collector member disposed on the collector retaining portion and having a first collection size when the sponge collector member has a first amount of the sample and a second collection size when the sponge collector member has a second amount of the sample, the first collection size being less than the second collection size;

wherein a sufficient sample is collected for assay when the sponge collector member second collection size is substantially equal to the collector retaining portion extended size, wherein the collector retaining portion includes a base wall spaced at a first length from the handle holding portion second end when the collector retaining portion is in the expanded size and the base wall is spaced at a second length from the handle holding portion second end when the collector retaining portion is in the contracted size,

wherein the collector retaining portion is an elongate member having a proximal end adjacent the handle holding portion second end and [[a]] the base perforated disc like piece formed at a distal end, wherein the base is a the perforated disc like piece comprising the wall, and

wherein the sponge collector member is made from a fluid absorbing material that is movable along the elongate member when the sponge collector member has the first collection size;

and wherein the elongate member has a first elongate portion having a first length and a first width dimension wherein the first length substantially corresponds to the sample retaining size, a second elongate portion proximal from the handle end relative to the first elongate portion and having a second width dimension that is smaller than the first width dimension, and wherein the handle portion second end

defines an opening sized for slidably receiving the elongate member, the opening defining a width dimension that is smaller than the first width and greater than the second width, such that as the elongate member slides within the opening, the first width impedes the movement of the first length of the elongate member, thus defining the sample retaining size.

78. (Canceled)